

Call to Order:

The meeting was called to order at 7:34 p.m. Present were Chair Joan Duff, members Vincent Chiozzi (arrived at 7:49 p.m.), Jay Doherty, Eric Macaux, Zach Bergeron and associate member Ann Knowles; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Krafton Way - 9 Union Street:

Ms. Duff opened the public hearings that were continued from the April 22nd meeting on an application filed by Richard and Diane Krafton for a Definitive Subdivision Plan, a Special Permit for Earth Movement and a Special Permit for Disturbance of Slopes in Excess of 35% for a 2-lot subdivision to be located at 9 Union Street and to be known as Krafton Way.

Ms. Byerley reviewed the open items from the last hearing. She informed the Board that the pavement has been increased from 12 ft to 18 ft to the first driveway, and then reduced to 14 ft with a T turnaround at the end. The two infiltration trenches have been placed within the right-of-way. The road has been shifted to the north to accommodate the 18 ft of pavement which has caused the pavement to no longer be in the centerline of the right of way. Ms. Byerley asked the Board review the revised waiver requests and provide direction to the applicant on what should be further engineered. A peer review has been performed by ESS Group and the applicant's engineer can speak to their comments.

Jack McQuilkin of J.M Associates, the applicants' engineer, reviewed the revised plans. He explained that in order to widen the pavement to 18 ft everything had to be pushed north to accommodate the 3:1 side slope and the regulations for minimum grade on a road. The 3:1 side slope will go down to a swale that will run along a small stone wall on the property to the back of the lot and run to a wetland. The separate sewer connection for the new house is located within the 100 ft buffer zone, and an Order of Conditions has been issued for it. Per the DPW, the sewer will now be 6" and the sewer profile is now shown on Sheet 5 of the plans. The slopes have been identified on each of the swales, and an erosion control of a silt sock will be added at the end of each swale. The last 10 ft of each swale will be a rock line. Inspection ports for each row of chambers will be inspected four times a year per the O&M Plan. The water department has approved the use of HDPE water service pipe with copper pipe in the Union Street right of way and 10 ft from the houses.

Mr. McQuilkin stated the Town Engineer, Brian Moore, had comments about the 3:1 side slope and he requested curbing along the edge of the pavement and a guardrail along the 3:1 side slope. Mr. Moore also had comments about the stormwater management and the infiltration fields, and asked for additional contours along the Chinmaya Mission side. The ESS Group comments pertained to drainage and the drainage software, and they asked for larger plans to review. He stated that he will sit down with the engineer, Lauren Caputo, to go through the reports. Ms. Byerley added that the peer review calls for updated calculations.

Mr. Doherty noted that there were a lot of comments in the peer review. He asked if Mr. McQuilkin will be able to satisfy all of them. Mr. McQuilkin stated that some of the comments from the peer reviewer state that she is in agreement with the plan, or that small items need to be added. He reviewed each comment and how it would be addressed. Ms. Byerley noted that the

peer review in the Board's packet addressed items under the stormwater bylaw, which the applicant does not have to meet because an acre of land will not be disturbed. The peer reviewer has issued revised comments based on that information.

Ms. Knowles asked what the Fire Department's opinion is on the access and turnaround. Ms. Byerley stated that the access is acceptable because a turnaround is being provided at the end, and an ambulance and an engine would have no trouble with access. If the waivers are granted, the Inspector of Buildings would like a condition to be placed that if a third lot were ever to access the right of way, all pavement would need to be brought to 18 ft. The right of way and Parcel A will be owned by Lot 2, and the owner information needs to be provided in the next revision.

Ms. Byerley asked Mr. McQuilkin if there was grading or any maintenance for the stormwater on Parcel A. Mr. McQuilkin stated that there is grading within Parcel A, and the swale goes halfway up into the parcel. Ms. Knowles asked if Lot 1 was adequately sized. Ms. Byerley stated that it is in the SRA zoning district which requires 15,000 s.f. and the lot has a little over 29,000 s.f. of land. She added that the O&M Plan needs to address that Parcel A cannot be regraded and that the swale needs to be maintained.

Ms. Byerley informed the Board that the Brian Moore, the Town Engineer, is not in support of any of the waivers, but it is within the Planning Board's discretion to grant the waivers. She asked the Board to provide some direction to the applicant so that further revisions can be made to the plan.

Mr. Bergeron asked what the intent is of the regulation of the radius not less than 20 ft. Ms. Byerley noted that there is a limited access point because of a MassDOT restriction on the property. Mr. McQuilkin stated that they have the 20 ft radius on the north side of the entrance, but on the south side they could only have 10 ft because of the cut restriction. Mr. Bergeron asked if the 20 ft requirement is for better access in and out and Mr. McQuilkin answered that he was correct. Mr. Doherty pointed out that it is a right turn only as you exit from the driveway. Mr. Bergeron said that there may be an issue with pulling into the driveway from the fast roadway. Ms. Byerley stated that the speed limit is 35 mph and she did not have an issue pulling in to the driveway today. The Board discussed if the access is a roadway or essentially a driveway and the safety of pulling in and out with the reduced radius and pavement.

Ms. Knowles asked if the Board could review Mr. Moore's concerns. Mr. Chiozzi noted that Mr. Moore's memo doesn't address the turning radius. The Board reviewed the waivers individually. In regards to the pavement width, Mr. Bergeron stated that he agrees with Ms. Byerley that a condition should be placed to widen the pavement to 18 ft if any additional lot were to access it. Mr. Chiozzi noted that for another lot to access the road the subdivision would need to be modified, so it could be addressed at that time. By adding that condition, they may set legal precedents that a third lot can be added. He suggested that any approval specifically limit the subdivision to two lots.

Ms. Knowles asked if DPW was specifically concerned about weakening the local road classification. Ms. Byerley stated that a local street classification is already a reduction from the

26 ft requirement. Mr. Macaux noted that once you pass the first house, it is essentially a long driveway. Ms. Byerley added that the local street regulations were written for three lots.

Ms. Byerley informed the Board that the requirement for the first two driveways being within 150 ft is a waiver that the applicant has to request because the regulations were written incorrectly. Concerning the waiver to the regulation for the pavement being in the centerline of the right of way, she explained that the appendices of the Subdivision Rules and Regulations include a drawing that depicts the centerline of the pavement in the center of the right of way. It is not a written regulation, but still part of the Rules and Regulations. Ms. Byerley asked Mr. McQuilkin what would happen if the pavement was put in the center. Mr. McQuilkin stated that the entrance would have to be moved 7-8 ft, and the MassDOT restriction does not allow for that. It would also cause the 3:1 side slope on the Chinmaya Mission side to be disturbed.

Mr. Macaux asked if Mr. Moore's statement that the pavement could be shifted without disturbing the side slope was incorrect. Mr. McQuilkin stated that he was confused by that statement from Mr. Moore, and Ms. Byerley suggested that the Board hold off on that waiver until they can clarify that statement with Mr. Moore.

On a motion by Mr. Bergeron seconded by Mr. Doherty the Board continued the public hearings on Krafton Way, 9 Union Street, to July 8, 2014 at 7:30 p.m. **Vote:** Unanimous (6-0).

350 Lowell Street – Raytheon:

Ms. Byerley informed the Board that the applicant, Raytheon has requested to withdraw their application for a Special Permit for Major Non-Residential Project without prejudice. She requested that the Board vote to allow the withdrawal without prejudice.

On a motion by Mr. Macaux seconded by Mr. Doherty the Board moved to allow the applicant's request to withdraw without prejudice the application for a Special Permit for a Major Non-Residential Project at Raytheon Company 350 Lowell Street. **Vote:** Unanimous (6-0).

Town Meeting 2015:

Mr. Materazzo informed the Board that he would like to begin to identify items for Town Meeting 2015. Staff has put together a short list of initiatives that are identified in the Master Plan as well as items that would be appropriate for the community.

Mr. Materazzo reviewed his memo for the Board. The first item is to revisit the special permit requirements for restaurants in some districts. Today to open a restaurant in the mixed use district, one would have to get a use special permit from the Zoning Board of Appeals. These types of applications before the ZBA are unnecessary and are extra steps for businesses that want to come to Town. This could be a line item tweak where staff and the Board can decide in which districts restaurants should be allowed by right. Ms. Knowles asked if people want restaurants in these areas. Mr. Materazzo stated that they do and a restaurateur has to put in extra effort to open in the mixed use district which is a complimentary district to downtown. He added that even in the industrial districts, it is an allowed use, but with extra steps so he is looking to streamline the process. Mr. Chiozzi asked if it is a special permit and Mr. Materazzo stated that it is a special permit through the ZBA. Ms. Byerley informed the board that in the mixed-use

district a sit-down restaurant is allowed with a special permit, but fast-food and drive-thru are not allowed. Mr. Materazzo suggested that the Board may want add a new casual fast food line item to allow for more places like Chipotle or Panera.

Mr. Materazzo stated that he would also like to explore bringing the Dimensional Special Permit - Historic Preservation under the jurisdiction of the Planning Board. This special permit is issued by the ZBA when a historic structure is to be re-located to an undersized lot and / or a lot with a historic structure on it is subdivided and a new home is built on the lot. This type of special permit is more site planning and neighborhood review that comes under the purview of the Planning Board.

Mr. Materazzo would also like to look at amending the special permit requirements to allow for reduction of parking in all districts. Ms. Byerley noted that right now a reduction can only be granted by special permit in the general business district. In the industrial districts a reduction is allowed if an applicant can show a reserved area on the lot to be constructed if necessary. Mr. Macaux asked if projects have been proposed where parking has been the barrier and Mr. Materazzo answered that it has happened or they have a partner that is a non-competing use that would allow for collaboration, but they technically cannot do it.

Mr. Materazzo stated that he is very interested in starting the conversation to look at infill opportunities in the downtown. There are areas that can be strategically targeted, for example the northwest corner of the Park Street Parking lot for other opportunities. Mr. Chiozzi noted that the area may be difficult because you would be taking away parking. Mr. Bergeron offered that the parking assessment may show that the Town has enough parking and certain areas like the Park Street lot are underutilized. Ms. Byerley added that from the parking counts she has been taking, people are not using the Park Street lot. Each time she has gone through the lot, there have been at least fifty parking spaces available at various times of day. She did point out however; the building is not completely occupied. Ms. Knowles stated that the lot is rarely used because there is no activity to draw you to that area. Mr. Materazzo noted that there was once a building in that location that was torn down. Mr. Materazzo stated that the EDC is interested in moving two sites forward and the other site they are targeting is the municipal lot next to Old Andover Village. There has been talk for years to put forth some type of structured parking with a building in the front of the facility. Now would be a great time to start the conversation with abutters and interested parties and to further engage the public. Mr. Bergeron agreed that it is an underutilized space, and the Town would not lose parking with such a structure.

Mr. Doherty asked what would happen to the reduction in parking special permit that was issued to Old Andover Village. Mr. Materazzo noted that this could be an opportunity to add spaces and enhance the Town's parking permit program. Mr. Macaux felt that the results of the parking study should be in hand before any of this is undertaken. Once the study is finalized, if infill still looks like a good idea, then abutters could be engaged for their ideas.

Mr. Materazzo stated that the Selectmen are still looking for a solution to the Town Yard; if it will be rebuilt on Lewis Street or moved to another site such as the ball fields near the West Fire Station. Weston and Sampson will provide the Town with cost estimates in July of all options. The EDC is building a coalition to examine opportunities gained and lost by rebuilding on Lewis

Street. Mr. Chiozzi questioned is the west end site is a good option location wise. Mr. Materazzo stated that the Department of Municipal Services is very interested in the site as an area that will be able to house all of their equipment. Mr. Bergeron questioned if the Lewis Street site would be an option if the Town did not already own it. Mr. Chiozzi noted that if they were planning the Town, Lewis Street would be the last place that a Town Yard would be placed, but he didn't see the west end site as a good location. Mr. Materazzo stated that the Town Yard needs to be rebuilt, so the opportunities gained and lost if it is rebuilt in the downtown need to be examined. Mr. Chiozzi noted that there is not enough room on the Lewis Street site to fulfill the needs of a modern Town Yard. Mr. Materazzo pointed out that part of the equation is that if they move the Town Yard, the current Lewis Street Site can be sold for an amount of money that will help pay for the new Town Yard. The Lewis Street site, which is a prime downtown location, would be brought back online for taxes to be collected. Ms. Byerley noted that truck routes should be put together to show people how they will travel if the west end is chosen. Mr. Materazzo noted that Greenwood Road is a nice east/west location.

Mr. Materazzo informed the Board of other future long term initiatives that they may want to consider. This includes re-calibrating the IG Zoning District around Dundee Park to allow for more flexible zoning as well as around Brickstone Square to possibly add additional uses such as medical uses or establishments such as Panera that are considered retail sales, and not currently allowed. Brickstone Square is currently for sale, so it would be nice to be able to create an amenities package for that area. A full building makes it more valuable to the community. They also may want to look into some changes for that area as a whole from the railroad bridge to Shawsheen Square that could strengthen that corridor. Staff is currently working with the Municipal Services Director to expand biking opportunities in Town and possibly develop a comprehensive complete streets guidelines with guidance from the Merrimack Valley Planning Commission. Staff is also working with the Ballardvale Historic District Commission to clean up any inconsistencies with the general business and IG zoning districts to allow more flexible zoning to respond to market conditions and community needs in Ballardvale.

Mr. Materazzo encouraged the Board to continue to think about streamline permitting and if they have any ideas on how the process can be made smoother.

Selection of Officers:

The Board conducted their annual selection of officers.

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board voted to nominate Mr. Bergeron to Chair of the Planning Board. **Vote:** Unanimous (6-0).

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board voted to nominate Mr. Chiozzi to Vice Chair of the Planning Board. **Vote:** Unanimous (6-0).

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board voted to nominate Mr. Doherty to Secretary of the Planning Board. **Vote:** Unanimous (6-0).

Adjournment: The meeting was adjourned at 9:07 p.m.